

January 21, 2019

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Victoria, BC V8V 1X4

Dear Minister Donaldson:

We are writing to draw your attention to the attached report that was prepared by your Ministry in response to a Forest Practices Board complaint we filed in February 2018 regarding high risk management of old forest in the Selkirk Resource District (Arrow and Kootenay Lake TSAs). Members of the West Kootenay EcoSociety (WKES) have previously raised concerns regarding unsustainable management of biodiversity in the inland temperate rainforest with the Chief Forester of BC, two different District Managers of the Selkirk Forest District, as well as the current District Manager Tara DeCourcy and her staff. Your ministry's report confirms all of the following concerns raised in our original complaint:

- **Implementation of legal targets:** Legal targets for Old Growth Management Areas (OGMAs) specified in the Kootenay Boundary Higher Level Plan Order are not being met (in 47 of 220 BEC-LU combinations), and the majority of forests contained in OGMAs are not even old. In Arrow and Kootenay Lake respectively, only 18% and 17% of the area within OGMAs are old; mature forests comprise 64% and 59%, and the remaining 18% and 25% of OGMAs consist of young to mid seral stands.
- **Existing old forests do not comprise OGMAs:** The area of old forest in OGMAs represents only a small fraction (23% and 36%) of the required legal targets in Arrow and Kootenay Lake, respectively, yet across both TSAs, there is almost twice as much old forest outside of OGMAs compared to within.
- **Current condition of the land base is very poor:** There is not enough old forest remaining to meet legal targets in more than half (114 of 220) the BEC-LU combinations, even if all of the remaining old forest was conserved in OGMAs.
- **Low elevations at highest risk:** Low elevations, where human settlement and flooding have already significantly reduced old forest, are being managed at highest risk. The distribution of Biodiversity Emphasis Options (BEO) by BEC indicates that >50% of the ICHdw area in Kootenay Lake, the IDFun (changed to ICHxw and ICHxw years ago) in Arrow, and the ICHxw in both TSAs are assigned to Low BEO. Legal (OGMA) and aspatial (age-only) deficits in old forest also occur in these same low elevation BEC units, which compounds risk levels.

Additional concerns raised by your ministry focus on the quality of old forest retention and OGMAs as influenced by patch size, connectivity, interior forest habitat value, ecosystem representation, harvest incursions and/or replacements, wildfire, insects and diseases. These factors remain to be addressed in a second phase of the ministry's analysis at a future date (Tara DeCourcy, pers. comm.).

It is obvious from report findings to date that old forests are being managed irresponsibly: that government and the timber industry are not in compliance with legal orders, that government has no ability to enforce legal compliance and perhaps most concerning, that government has little or no ability to track this rare resource and/or to assess whether its management is effective. Indeed, in the Kootenay Region, old forest data provided by forest licensees is reported to the Selkirk Geospatial Data Partnership and HLPO Reporting Suite rather than to the ministry. The ability to track old forest data resides entirely with Selkirk College, their online mapping has not been updated since 2007, and the data are not freely available to the public.

WKES members met with District Manager Tara DeCourcy and staff to discuss these challenges in December 2018 and made the following requests:

- Establishment of an immediate **moratorium** on harvesting of old or mature forest in any BEC-LU combinations that are currently in old forest deficit. This includes combinations where >5% of the

OGMAs are not old (or mature) and where old (or mature) exists outside the OGMAs. The moratorium should apply to old and mature forest both inside and outside of OGMAs, since the best old forest is not currently captured in OGMAs. The moratorium should remain in place until biologically effective OGMAs containing the best remaining older forests are spatially located, and until effective old forest recruitment strategies are in place.

- Provide to us a digital GIS copy of the resultant data analysis layer and associated shapefiles generated by MFLNROD in completing their work.
- A commitment from FLNROD that new FSPs will receive a legal review to ensure there are no wording loopholes that could undermine the spirit and intent of old forest management in the Kootenay-Boundary Higher Level Plan.
- A timeline for completion of an Options Report by MFLNROD.
- A copy of the Patch Size Analysis Report once completed.

A follow-up phone call with the District Manager on January 8, 2019 generated the following responses:

- **Moratorium:** There is no obvious legal mechanism available under FRPA or the Land Act to establish a moratorium based on District Manager discretion. The most that could be achieved is a voluntary deferral agreed to by licensees.
- **Resultant Data Analysis Layer:** The Crown Forest Land Base (CFLB) data layer which was an input to the resultant layer was paid for by licensees and the Ministry does not own that data, hence it cannot share the data. An FOI request could be made, but the response may be the same. A revised OGMA layer may be available in the next few months, once it has been “cleaned up.”
- **FSP Revisions:** Stand-level biodiversity strategies in new FSPs will be reviewed, however those already signed may have wording loopholes in them that undermine the intent of old forest management (e.g., Arrow TSA).
- **Options Report:** This report once completed is only for the Interagency Management Team and will not be circulated.
- **Patch Size Report:** Updates on the delivery of this work were not obtained as this is a lower priority.

Given these disappointing responses, we would like to know who does have the responsibility and the authority to establish a clearly required moratorium on further harvest of old growth to prevent further movement away from meeting legally required targets, based on the findings of this report? We also challenge the interpretation that data for crown forest land obtained and modified for analysis by the ministry cannot be shared with the public.

Old growth management is a high-profile issue in BC and there is growing acknowledgement that old forests in the interior are at equal or perhaps greater risk than those on Vancouver Island and the south coast. The current legal and policy framework must be overhauled, and while that is proceeding, we must retain remaining old forests in order to preserve both ecological values and future management options.

We would appreciate your ministry’s high-level attention to these matters and await your early response.



Evan McKenzie (WKES Conservation Committee Chair)

Rachel Holt, Greg Utzig, Candace Batycki (WKES Conservation Committee members)

Cc: Diane Nicholls, Chief Forester,
Forests, Lands, Natural Resource Operations
and Rural Development, Province of BC

Cc: Tara DeCourcy, District Manager, Selkirk Forest District

CC: Garth Wiggill, Regional Executive Director, Kootenay-Boundary Forest Region